## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

Ricky Nichols, #300177,	) C/A No. 3:05-2985-CMC-JRM
Plaintiff,	)
$\mathbf{v}$ .	OPINION AND ORDER
NFN Hutchinson, Doctor at Leiber Correctional Institution; Amy Enloe, Nurse for Doctor at Perry Correctional Institution; NFN Bodison, Assistant Warden for SMU Holding Unit; and NFN Maddock, Inspection Leader	) ) ) ) ) ) )
SMU, Defendants.	) ) _)

The *pro se* Plaintiff was an inmate at Kirkland Correctional Institution of the South Carolina Department of Corrections<sup>1</sup> when he filed this civil rights complaint complaining that he has not received adequate medical care for an injured leg. In accordance with the court's order of reference, 28 U.S.C. § 636(b), and Local Rule 73.02 (B)(2)(e), D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pre-trial proceedings and a Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. See Mathews v. Weber, 423 U.S. 261 (1976). The court is charged with making a de novo determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1). The court reviews only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310 (4th Cir. 2005) (stating

<sup>&</sup>lt;sup>1</sup>Recent correspondence from Plaintiff indicates that he has been moved to Lee County Correctional Institution in Bishopville, South Carolina.

3:05-cv-02985-CMC Date Filed 12/02/05 Entry Number 8 Page 2 of 2

that "in the absence of a timely filed objection, a district court need not conduct de novo review, but

instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept

the recommendation."") (quoting Fed. R. Civ. P. 72 advisory committee's note).

On October 27, 2005, the Magistrate Judge issued a Report recommending that the complaint

be dismissed without prejudice and without service of process. The Magistrate Judge advised Plaintiff

of the procedures and requirements for filing objections to the Report and Recommendation and the

serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so

has expired.

The court has reviewed the record and the Report and Recommendation of the Magistrate

Judge and finds no clear error. Accordingly, it is hereby

**ORDERED** that this action is dismissed without prejudice and without issuance and service

of process.

IT IS SO ORDERED.

s/ Cameron McGowan Currie CAMERON MCGOWAN CURRIE

UNITED STATES DISTRICT JUDGE

Columbia, South Carolina December 2, 2005

C:\temp\notesFFF692\05-2985 Nichols v. Hutshinson - dism wo svc.wpd

2